



February 26, 2016

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## ENGROSSED SENATE BILL No. 248

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DIGEST OF SB 248 (Updated February 24, 2016 11:29 am - DI 103)

**Citations Affected:** IC 9-21; IC 9-30.

**Synopsis:** Driving privileges suspensions. Provides that when judgment has been imposed for committing two worksite speed limit violations within one year, an additional penalty of the suspension of the person's driving privileges for 60 days may be imposed by the court imposing the sentence for the second violation. Provides that specialized driving privileges may be granted to the person by the court for the purpose of operating a motor vehicle between the place of employment and residence of the person.

**Effective:** July 1, 2016.

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### Ford, Grooms, Bassler, Taylor

(HOUSE SPONSORS — MOSELEY, SOLIDAY)

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January 7, 2016, read first time and referred to Committee on Corrections & Criminal Law.  
January 28, 2016, reported favorably — Do Pass.  
February 1, 2016, read second time, ordered engrossed. Engrossed.  
February 2, 2016, read third time, passed. Yeas 43, nays 7.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Roads and Transportation.  
February 25, 2016, amended, reported — Do Pass.

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ES 248—LS 6519/DI 124





February 26, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 248

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-21-5-11, AS AMENDED BY P.L.188-2015,  
2       SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2016]: Sec. 11. (a) Subject to subsection (b), the Indiana  
4       department of transportation, the Indiana finance authority, or a local  
5       authority may establish temporary maximum speed limits in their  
6       respective jurisdictions and in the vicinity of a worksite without  
7       conducting an engineering study and investigation required under this  
8       article. The establishing authority shall post signs notifying the  
9       traveling public of the temporary maximum speed limits established  
10      under this section.

11      (b) Worksite speed limits set under this section must be at least ten  
12      (10) miles per hour below the maximum established speed limit.

13      (c) A worksite speed limit set under this section may be enforced  
14      only if:

- 15          (1) workers are present in the immediate vicinity of the worksite;  
16          or  
17          (2) if workers are not present in the immediate vicinity of the

ES 248—LS 6519/DI 124



worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit.

(d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit set under this section must be entered as follows:

(1) If the person has not previously committed the infraction of violating a speed limit set under this section, a judgment for a Class B infraction and a fine of at least three hundred dollars (\$300) shall be imposed.

(2) If the person has committed one (1) infraction of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of at least five hundred dollars (\$500) shall be imposed.

(3) If the person has committed two (2) or more infractions of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of one thousand dollars (\$1,000) shall be imposed.

(e) Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

**(f) If judgment has been imposed for committing two (2) infractions under this section within one (1) year, an additional penalty of the suspension of the driving privileges of the person who committed the infractions may be imposed by the court imposing the sentence for the second violation. If the court suspends a person's driving privileges under this subsection, the court shall issue an order to the bureau:**

**(1) stating that judgment against the person has been entered for committing the infraction of exceeding a worksite speed limit under this section for the second time in one (1) year; and**

**(2) ordering the suspension of the person's driving privileges by the bureau under IC 9-30-13-9.**

**The suspension of a person's driving privileges under this section is in addition to any other penalties imposed under this section and any fee imposed under IC 33-37-5-14.**

SECTION 2. IC 9-30-13-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9. (a) Upon receiving an order issued by a court**



1 under IC 9-21-5-11(f) concerning a person who has committed the  
 2 infraction of violating a worksite speed limit for the second time  
 3 within one (1) year, the bureau shall do the following:

4 (1) Suspend under subsection (b) the driving privileges of the  
 5 person who is the subject of the order, whether or not the  
 6 person's current driver's license accompanies the order.

7 (2) Mail to the last known address of the person who is the  
 8 subject of the order a notice:

9 (A) stating that the person's driving privileges are being  
 10 suspended for a second or subsequent offense of exceeding  
 11 a worksite speed limit within one (1) year;

12 (B) setting forth the date on which the suspension takes  
 13 effect and the date on which the suspension terminates;  
 14 and

15 (C) stating that the person may be granted specialized  
 16 driving privileges under IC 9-30-16 if the person meets the  
 17 conditions for obtaining specialized driving privileges.

18 (b) The suspension of the driving privileges of a person who is  
 19 the subject of an order issued under IC 9-21-5-11(f):

20 (1) begins five (5) business days after the date on which the  
 21 bureau mails the notice to the person under subsection (a)(2);  
 22 and

23 (2) terminates sixty (60) days after the suspension begins.

24 (c) A person who operates a motor vehicle during a suspension  
 25 of the person's driving privileges under this section commits a  
 26 Class A infraction unless the person's operation of the motor  
 27 vehicle is authorized by specialized driving privileges granted to  
 28 the person under IC 9-30-16.

29 (d) The bureau shall, upon receiving a record of conviction of a  
 30 person upon a charge of driving a motor vehicle while the driving  
 31 privileges, permit, or license of the person is suspended, fix the  
 32 period of suspension in accordance with the order of the court.

33 SECTION 3. IC 9-30-16-1, AS AMENDED BY P.L.188-2015,  
 34 SECTION 122, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in  
 36 subsection (b), the following are ineligible for a specialized driving  
 37 permit under this chapter:

38 (1) A person who has never been an Indiana resident.

39 (2) A person seeking specialized driving privileges with respect  
 40 to a suspension based on the person's refusal to submit to a  
 41 chemical test offered under IC 9-30-6 or IC 9-30-7.

42 (b) This chapter applies to the following:



(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense; ~~or at the time of~~

(B) any criminal conviction for an offense under IC 9-30-5; **or**

(C) **committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).**

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, for any criminal conviction in which the operation of a motor vehicle is an element of the offense, or any criminal conviction for an offense under IC 9-30-5, a court may suspend the person's driving privileges for a period up to the maximum allowable period of incarceration under the penalty for the offense.

(d) **Except as provided in section 3.5 of this chapter**, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

SECTION 4. IC 9-30-16-3, AS AMENDED BY P.L.188-2015, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter.** If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under



IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

(c) Specialized driving privileges must be determined by a court and may include, but are not limited to:

(1) requiring the use of certified ignition interlock devices; and

(2) restricting a person to being allowed to operate a motor vehicle:

(A) during certain hours of the day; or

(B) between specific locations and the person's residence.

(d) A stay of a suspension and specialized driving privileges may not be granted to a person who has previously been granted specialized driving privileges and the person has more than one (1) conviction under section 5 of this chapter.

(e) A person who has been granted specialized driving privileges shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the person;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued state identification card or driver's license.

(f) A person who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the person to hold a commercial driver's license to operate the vehicle.

(g) A person may independently file a petition for specialized driving privileges in the court from which the ordered suspension originated.

SECTION 5. IC 9-30-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) If a court imposes a suspension of driving privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.**

**(b) Specialized driving privileges granted under this section shall be granted for sixty (60) days, or the remainder of the sixty**



(60) period of suspension as set forth in IC 9-30-13-9(b)(2) if a petition for specialized driving privileges is filed as set forth in section 3(g) of this chapter.

(c) Specialized driving privileges granted under this section:

- (1) must be determined by a court; and
- (2) are limited to restricting the individual to being allowed to operate a motor vehicle between the place of employment of the individual and the individual's residence.

(d) An individual who has been granted specialized driving privileges under this section shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued driver's license.

(e) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate a motor vehicle that requires the individual to hold a commercial driver's license to operate the motor vehicle.

(f) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in a circuit or superior court; and
- (5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

SECTION 6. IC 9-30-16-5, AS AMENDED BY P.L.188-2015, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, 3.5, or 4 of this chapter commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court





- 1 may order the bureau to lift the stay of a suspension of driving
- 2 privileges and suspend the person's driving license as originally
- 3 ordered in addition to any additional suspension.



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill No. 248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 248 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 1

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 19 through 24.

Page 2, delete lines 30 through 42, begin a new paragraph and insert:

**"(f) If judgment has been imposed for committing two (2) infractions under this section within one (1) year, an additional penalty of the suspension of the driving privileges of the person who committed the infractions may be imposed by the court imposing the sentence for the second violation. If the court suspends a person's driving privileges under this subsection, the court shall issue an order to the bureau:**

**(1) stating that judgment against the person has been entered for committing the infraction of exceeding a worksite speed limit under this section for the second time in one (1) year; and**

**(2) ordering the suspension of the person's driving privileges by the bureau under IC 9-30-13-9.**

**The suspension of a person's driving privileges under this section is in addition to any other penalties imposed under this section and any fee imposed under IC 33-37-5-14."**

Page 3, delete lines 1 through 35.

Page 3, line 38, delete "a recommendation" and insert **"an order"**.

Page 3, line 39, delete "IC 9-21-5-11(d)(4) or IC 9-21-8-56(j)," and insert **"IC 9-21-5-11(f) concerning a person who has committed the infraction of violating a worksite speed limit for the second time**



**within one (1) year,".**

Page 3, line 42, delete "recommendation," and insert **"order,".**

Page 4, line 2, delete "recommendation from the court." and insert **"order.".**

Page 4, delete lines 3 through 20, begin a new line single block indented and insert:

**"(2) Mail to the last known address of the person who is the subject of the order a notice:**

**(A) stating that the person's driving privileges are being suspended for a second or subsequent offense of exceeding a worksite speed limit within one (1) year;**

**(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and**

**(C) stating that the person may be granted specialized driving privileges under IC 9-30-16 if the person meets the conditions for obtaining specialized driving privileges.**

**(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 9-21-5-11(f):**

**(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and**

**(2) terminates sixty (60) days after the suspension begins.**

**(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by specialized driving privileges granted to the person under IC 9-30-16.**

**(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the order of the court.**

SECTION 3. IC 9-30-16-1, AS AMENDED BY P.L.188-2015, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:

**(1) A person who has never been an Indiana resident.**

**(2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7.**

**(b) This chapter applies to the following:**



(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

- (A) the criminal conviction for which the operation of a motor vehicle is an element of the offense; ~~or at the time of~~
- (B) any criminal conviction for an offense under IC 9-30-5; **or**
- (C) **committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).**

(2) A person who:

- (A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and
- (B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, for any criminal conviction in which the operation of a motor vehicle is an element of the offense, or any criminal conviction for an offense under IC 9-30-5, a court may suspend the person's driving privileges for a period up to the maximum allowable period of incarceration under the penalty for the offense.

(d) **Except as provided in section 3.5 of this chapter,** a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

SECTION 4. IC 9-30-16-3, AS AMENDED BY P.L.188-2015, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter.** If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under



IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

(c) Specialized driving privileges must be determined by a court and may include, but are not limited to:

- (1) requiring the use of certified ignition interlock devices; and
- (2) restricting a person to being allowed to operate a motor vehicle:
  - (A) during certain hours of the day; or
  - (B) between specific locations and the person's residence.

(d) A stay of a suspension and specialized driving privileges may not be granted to a person who has previously been granted specialized driving privileges and the person has more than one (1) conviction under section 5 of this chapter.

(e) A person who has been granted specialized driving privileges shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the person;
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued state identification card or driver's license.

(f) A person who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the person to hold a commercial driver's license to operate the vehicle.

(g) A person may independently file a petition for specialized driving privileges in the court from which the ordered suspension originated.

SECTION 5. IC 9-30-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) If a court imposes a suspension of driving privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.**

**(b) Specialized driving privileges granted under this section shall be granted for sixty (60) days, or the remainder of the sixty**



(60) period of suspension as set forth in IC 9-30-13-9(b)(2) if a petition for specialized driving privileges is filed as set forth in section 3(g) of this chapter.

(c) Specialized driving privileges granted under this section:

- (1) must be determined by a court; and
- (2) are limited to restricting the individual to being allowed to operate a motor vehicle between the place of employment of the individual and the individual's residence.

(d) An individual who has been granted specialized driving privileges under this section shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued driver's license.

(e) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate a motor vehicle that requires the individual to hold a commercial driver's license to operate the motor vehicle.

(f) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in a circuit or superior court; and
- (5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

SECTION 6. IC 9-30-16-5, AS AMENDED BY P.L.188-2015, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, 3.5, or 4 of this chapter commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court



may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered in addition to any additional suspension."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 248 as printed January 29, 2016.)

SOLIDAY

Committee Vote: yeas 13, nays 0.

